

By: Moody

H.B. No. 2386

A BILL TO BE ENTITLED

AN ACT

relating to the confidentiality of certain information regarding
procedures and substances used in the execution of a convict.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 552.1081, Government Code, is amended to
read as follows:

Sec. 552.1081. EXCEPTION: CONFIDENTIALITY OF CERTAIN
INFORMATION REGARDING EXECUTION OF CONVICT. (a) Information is
excepted from the requirements of Section 552.021 if it contains
identifying information under Article 43.14, Code of Criminal
Procedure, including that of

~~(1) any person who participates in an execution~~
procedure, including a person who uses~~[, supplies,]~~ or administers
a substance during the execution.~~[; and~~

~~(2) any person or]~~

(b) This section does not except from the requirements
of Section 552.021 information identifying any entity that
manufactures, transports, tests, procures, compounds, prescribes,
dispenses, or provides a substance or supplies used in an
execution.

SECTION 2. Article 43.14, Code of Criminal Procedure, is
amended to read as follows:

Art. 43.14. EXECUTION OF CONVICT: CONFIDENTIAL INFORMATION.

(a) Whenever the sentence of death is pronounced against a

1 convict, the sentence shall be executed at any time after the hour
2 of 6 p.m. on the day set for the execution, by intravenous
3 injection of a substance or substances in a lethal quantity
4 sufficient to cause death and until such convict is dead, such
5 execution procedure to be determined and supervised by the director
6 of the correctional institutions division of the Texas Department
7 of Criminal Justice.

8 (b) The name, address, and other identifying information of
9 any person who participates in an execution procedure described by
10 Subsection (a), including a person who uses or administers a
11 substance during the execution, [the following] is confidential
12 and excepted from disclosure under Section 552.021, Government
13 Code.~~÷~~

14 ~~(1) any person who participates in an execution~~
15 ~~procedure described by Subsection (a), including a person who uses,~~
16 ~~supplies, or administers a substance during the execution; and~~

17 ~~(2) any person or]~~

18 (c) The name, address, and other identifying
19 information of any entity that manufactures, transports, tests,
20 procures, compounds, prescribes, dispenses, or provides a
21 substance or supplies used in an execution is not confidential and
22 not excepted from disclosure under Section 552.021, Government
23 Code.

24 SECTION 3. The change in law made by this Act applies to
25 information, records, and notations collected, made, assembled, or

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1 maintained on, before, or after the effective date of this Act.

2 SECTION 4. This Act takes effect September 1, 2021.